

Minutes
Meeting of Directors and Officers
Association of the Bar of the U.S. Court of Appeals for the Eighth
Circuit
July 14, 2004—2:00 pm
Conference Call—Originating at office of Board Member Barry
Pickens

In attendance by conference call:

Officers:	James Layton Eric Magnuson Craig Eichstadt Krista Kester
District Representatives:	Margaret Callahan Barry Pickens Robert Herman Robert Rossiter Mark Marshall Diane Kutzko
At Large:	Thomas Weaver Thomas Sullivan
Absent:	Leigh Chiles David Herr Douglas Bahr Thomas Keiklak Lajuana Counts

The meeting was convened at 2:00 pm CDT by President James Layton. The following items were discussed:

1. Approval of Previous Minutes:

The minutes of the June meeting of the Association's Board and Officers were approved unanimously upon motion by Mark Marshall, seconded by Barry Pickens.

2. Treasurer's Report:

The state of the treasury is unchanged from the last Board meeting, except that Krista Kester reported that there was one check she would be depositing, and there have been renewal memberships, about 158 sent to Mark Marshall, and around a dozen have been sent to Krista Kester.

As of this time, there is nothing new from the ad hoc budget committee, but there should be a presentation at the next meeting, with the intent that a budget will be ready for consideration at the September meeting in St. Louis.

3. Membership Committee/Renewals

Mark Marshall reported on behalf of the membership committee that there have been 158 renewals received as of this time. There have also been ten new memberships, and one law clerk who wished to join and pointed out that she or he did not need to pay dues under the Association's bylaws. The Board members present all agreed that this provision is equally applicable to permanent and temporary law clerks. The renewal solicitation went out on June 25, 2004. Several board members indicated they had received the renewal notice, but had not yet renewed, although they intended to do so.

Mark Marshall then indicated that an additional reminder was appropriate, perhaps with a solicitation of any comments that the member has on the Association and its programs. This would tell us if there are any negative feelings among the membership as a reason why some members have not renewed. Margaret Callahan indicated that this reminder should go out with the next newsletter.

Mark agreed, and there was no dissent expressed by the other board members present on the call.

4. Replacement of Director Leigh Chiles

President Jim Layton brought up the subject of replacement of Director Leigh Chiles. We have not received notification from Leigh that she has moved from the circuit, but her new law firm in Memphis, Tennessee has issued a press release indicating that she has joined the firm. She definitely indicated to various board members that she was moving to Memphis in conjunction with her change in employment. President Jim Layton therefore declared that her board position is vacant, and asked that all board members send along any suggestions they have for her replacement, and the replacement would be made at, or shortly after, the next board meeting.

5. The Annual Meeting/Seminar

Tom Sullivan reported on the annual meeting and CLE. He reported that he wants to create a comment form and survey for those attending. All states with mandatory CLE in the Eighth Circuit have approved our program for CLE in their respective states. Approval is also being sought in Kansas, and Barry Pickens anticipates that it will be received shortly.

David Herr has a list of the firms that have committed to co-sponsor our reception. Tom Sullivan said he would talk to David Herr (who was not present on the call) and come up with a procedure for handling the reception and co-sponsorships.

6. Policy on Sponsorship of Events at Court when Held Outside St. Louis or St. Paul.

Tom Sullivan proposed that we adopt a policy on obligating the Association to co-sponsor a social or CLE event at the time that the Court holds argument in places other than St. Louis or St. Paul. We might commit to spending up to \$1000.00 on each such

occasion. Hopefully this would not create problems for our budget. Tom indicated further that there could be a presentation by a board member or volunteer with expertise in a particular subject matter or area of interest (such as HIPPA, criminal sentencing guidelines in light of recent Supreme Court cases or other topics). Krista Kester suggested that it might be better if we could get Eighth Circuit judges to speak. There is a balance to be sought between the social event and any CLE topics. Bob Herman pointed out that specific topics in federal law could be addressed at such seminars or receptions. He also asked whether we should view the Association as more of a social or substantive organization.

President Jim Layton asked who should be pursuing this matter, the budget committee or the program committee. He expressed the opinion that committing money is for the ad hoc budget committee, while the program committee would be better suited to address topics or content.

Tom Sullivan reiterated that we need a policy to govern these matters. Krista Kester indicated she broached the subject so that we could discuss it further and formulate a policy. Bob Rossiter expressed the view that a policy is needed for consistency. Eric Magnuson suggested that we obtain law firm co-sponsors, and indicated that if there were some credit given for co-sponsorship, his firm might be interested in co-sponsoring in states such as North and South Dakota. Craig Eichstadt and Mark Marshall said they thought that co-sponsorships probably would be available in smaller states such as South Dakota. Tom Sullivan indicated that such events are one tangible benefit in states such as Nebraska and South Dakota, who have no mandatory CLE.

Krista Kester suggested that a policy can give us a guideline for perhaps turning down some requests. Jim Layton asked whether our policy should be dependent on the budget or independent from it. Tom Sullivan indicated that he thought we

should commit to the Omaha event at this time, but should leave the policy for consideration by the ad hoc budget committee.

Diane Kutzko moved, Tom Weaver seconded that we commit \$1000.00 to the reception and event at the upcoming Court session in Omaha, Nebraska. Passed Unanimously.

Jim Layton pointed out that the officers will make the decision on the Omaha event's program and exactly how much money will be spent.

6. Renewal Notices

Mark Marshall re-iterated that the first renewal notices had gone out on June 25, and that another will go out with the next newsletter. He also indicated that he will have our renewal notice and membership solicitation published in the South Dakota State Bar Newsletter.

The next meeting of the Board and Officers will be Wednesday, August 11, 2004 at 2:00 pm CDT. Barry Pickens agreed to set up the conference call.

The meeting was adjourned by consensus at 2:35 pm CDT.

Respectfully submitted,

Craig Eichstadt
Secretary